

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) Case No. 09-00143-01-CR-W-ODS
ABRORKHODJA ASKARKHODJAEV,)
Defendant.)

**ORDER (1) ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (DOC. 333), (2) DENYING DEFENDANT'S MOTION TO
DISMISS COUNTS 3-62 (DOC. 261), AND (3) DENYING AS MOOT DEFENDANT'S
MOTION TO DISMISS COUNT 3 (DOC. 72)**

On September 23, 2010, the Honorable Sarah W. Hays issued her Report and Recommendation concluding that the Court should deny Defendant's motion to dismiss Counts 3-62 and deny as moot Defendant's motion to dismiss Count 3.¹ Defendant filed timely objections to the Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Local Rule 74.1(a)(2). Defendant's objections mirror the arguments made in his motion to dismiss Counts 3-62.

Upon careful and independent review of the pending motions and objections, as well as the applicable law, the Court agrees with the Report that 18 U.S.C. § 1589 is not unconstitutionally vague or overbroad. Judge Hays' Report and Recommendation is adopted as the Order of the Court. Defendant's motion to dismiss Counts 3-62 is denied, and Defendant's motion to dismiss Count 3 is denied as moot.

IT IS SO ORDERED.

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT

DATE: October 4, 2010

¹ The motion to dismiss Count 3 targeted the original Indictment, which was superceded by the First Superceding Indictment.